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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,199	08/08/2006	Kalle Kallio	04150.0028U1	9440
23850 7590 11/05/2008 Ballard Spahr Andrews & Ingersoll, LLP SUITE 1000 999 PEACHTREE STREET ATLANTA, GA 30309-3915				
EXAMINER				
TESKIN, FRED M				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
11/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/585,199

**Applicant(s)**

KALLIO ET AL.

**Examiner**

Fred M. Teskin

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 15 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date 20060630
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**Detailed Action**

This Office action is responsive to application filed 08 August 2006. Claims 1-15 are currently pending and under examination.

The disclosure is objected to because of the following informalities: a brief description of the drawing has not been provided (see 37 CFR 1.74); and at page 12, the term "triphenyl..." in line 25 is misspelled and the formula appearing in line 26 is incorrect ("B\*" should read C\*). Appropriate correction of the specification is required.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the following grounds for indefiniteness apply to the indicated claims.

(A) The recitation of "characterised in that" in claim 1 creates indefiniteness as to the effective scope of the claims. For example, it is unclear whether such language is intended to open or close the claims with respect to unspecified steps and materials. The use of definite transitional language such as "comprising ..." is suggested.

(B) Claim 11 is indefinite as to how the parenthetical expression "(i.e. without reactor shutdown)" provides a limitation to the claim. To the extent the expression is intended to be synonymous with the preceding language "effected continuously", the former is mere surplusage to the claim and should be deleted. As the claim is now drafted, the presence of said expression causes confusion as to the scope of thereof.

(C) Claim 12 is indefinite due to improper Markush language in the recitation "groups selected from "... hydrocarb~~yl~~ or siloxy,". The language "selected from the group consisting of ... and ..." is proper; see MPEP 2173.05(h)(I).

(D) Claim 13 is internally inconsistent in reciting "optionally at least one ... comonomer" where the same comonomer is earlier recited as a necessary component of the polymerization; see line 2 ("and at least one ... comonomer") and *cf.* line 4 ("optionally at least one ... comonomer"). The inconsistency creates uncertainty as to the overall scope of the claim.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Kaminsky et al is pertinent to preventing deactivation reactions of metallocenes (note section 3.). Scoggin is pertinent in regard to propylene polymerization in a reactor where propylene is recycled to the reactor with introduction of make-up hydrogen and with separate introduction of catalyst (note Figure). Tonti et al is pertinent to prepolymerization of a metallocene-based catalyst system in the presence of hydrogen (note paragraphs 0017-0019). McGrath et al is pertinent to intermediate hydrogen removal from cascaded slurry polyolefin reactors (note Example).

Claims 14 and 15 are allowable on the present record. Claims 1-13 would be allowable if amended or rewritten to overcome the rejection under 35 U.S.C. 112 set forth in this Office action. Examiner has not, as of the date of this Office action, located

or identified any prior art documents that can be used to render the applicants' process, method and reactor as presently claimed anticipated or obvious to a person of ordinary skill in the art.

Any inquiry concerning this communication should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred M Teskin/  
Primary Examiner, Art Unit 1796